

LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Local Democracy and Boundary Commission for Wales

Section 2 – Local Democracy and Boundary Commission for Wales

3. This section changes the name of the Local Government Boundary Commission for Wales to the Local Democracy and Boundary Commission for Wales (“the Commission”).

Section 3 – Status

4. This section makes clear that the Commission is not a Crown body.

Sections 4 and 5 – Membership; Tenure

5. These sections provide that the members of the Commission shall be the chair, deputy chair and up to three others, to be appointed on such terms and conditions as determined by the Welsh Ministers. The tenure of a member of the Commission will be set by the terms and conditions of their appointment.

Sections 6 and 7 – Proceedings; Seal and validity of documents

6. These sections set a quorum of three for meetings of the Commission and that the Commission may regulate its own procedure.
7. The Commission may also have a seal for use on documents and the use of the seal is authenticated by the signature of a member of the Commission or of another person authorised by the Commission for this purpose.

Section 8 – Chief executive

8. This section requires the Welsh Ministers to appoint, and decide on the terms and conditions of a chief executive to the Commission (as opposed to a secretary as required for the previous Commission), following consultation with the Commission. The functions of the Chief Executive will be the same as that of the previous Secretary. Prior to the appointment of a chief executive the Welsh Ministers are required to consult the Commission.

Section 9 – Other staff

9. This section enables the Commission to employ staff and to decide on their remuneration and terms and conditions. Prior to appointing staff and determining the remuneration, pensions, allowances and expenses payable the Commission must consult with the Welsh Ministers.

Section 10 – Experts

10. This enables the Commission to appoint expert advisers to assist in the exercise of their functions. Prior to appointing an expert and determining the remuneration, allowances or expenses payable the Commission must consult with the Welsh Ministers.

Section 11 – Assistant commissioners

11. This section allows the Commission to appoint assistant commissioners to assist in the conduct of reviews of local government areas or electoral arrangements or to chair local inquiries. Before appointing an assistant commissioner the Commission is required to consult with the Welsh Ministers. Similarly, the Commission must consult the Welsh Ministers prior to determining the remuneration or allowances payable to an assistant commissioner.

Sections 12 to 14 – Powers; Delegation; Directions

12. The Commission has the power to do anything which will facilitate or is conducive or incidental to the exercise of the Commission's functions. Section 12 makes clear however that the Commission is not allowed to borrow money, acquire land or property (except with Ministerial consent) or form or promote companies.
13. [Section 13](#) provides that the Commission may delegate its functions relating to reviews of local government areas or arrangements or conducting local inquiries to individual members or assistant commissioners, without negating the Commission's overall responsibility for the performance of these delegated functions.
14. [Section 14](#) provides the Welsh Ministers with a general power of direction of the Commission. The Commission must comply with any direction given by the Welsh Ministers and the Welsh Ministers may vary or revoke a direction by issuing a subsequent direction.

Section 15 – Funding

15. This section specifies that funding for the Commission will be provided through Welsh Minister grants. The amount of grant will be determined by the Welsh Ministers subject to any terms and conditions as specified by them.

Section 16 – Accounting officer

16. This section requires the Welsh Ministers to appoint an accounting officer from the Commission's staff with responsibilities specified by a direction of the Welsh Ministers, in relation to the Commission's financial arrangements.

Sections 17 to 20 – Audit committee; Audit committee: membership; Accounts and external audit; Annual reports

17. The Commission must establish an audit committee to keep under review their financial affairs and their corporate governance. It must report to the Commission and the Welsh Ministers. The Audit Committee must include at least two Commissioners and at least one lay member.
18. [Section 19](#) requires the Commission to prepare an annual statement of accounts for each financial year, the content of which must comply with any directions from Welsh Ministers. The statement must be sent to the Welsh Ministers and the Auditor General for Wales and must be laid, once certified by the Auditor General, before the National Assembly for Wales ("the Assembly").
19. Before the end of November in each year, the Commission must also publish an annual report on their activities during the previous financial year, which the Welsh Ministers must also lay before the Assembly.